

THE FIFTH ANNUAL  
**EIGHTH CIRCUIT APPELLATE PRACTICE INSTITUTE**  
CO-SPONSORED BY  
**THE JOURNAL OF APPELLATE PRACTICE AND PROCESS**  
AND  
**THE EIGHTH CIRCUIT BAR ASSOCIATION**

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SEPTEMBER 13-14, 2004  
DOWNTOWN MARRIOTT HOTEL  
ST. LOUIS, MISSOURI

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*6 Hours of Continuing Legal Education Credit Applied for in  
Arkansas, Iowa, Minnesota, Missouri, and North Dakota  
Conference Fee: \$185 General; \$160 for Members of the  
Eighth Circuit Bar Association*

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The Program will be presented over Monday afternoon and Tuesday morning to facilitate travel and will include a reception at the Downtown Marriott from 5:30 p.m. to 7:00 p.m. on Monday evening. The Court, its staff and all conference attendees are invited to attend the reception. Cash bar and hors d'oeuvres.

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*Monday afternoon session, September 13<sup>th</sup>*

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| 12:00 noon—1:15 p.m. | Registration; coffee, soft drinks and water will be available for attendees   |
| 1:15—1:30 p.m.       | <i>Introductory Remarks:</i> Jim Layton, Solicitor, Office of the Missouri Attorney General, and President, Eighth Circuit Bar Association  |
| 1:30—2:30 p.m.       | <i>The Perils of Relying on Internet Sources in Appellate Briefs and Opinions:</i> Coleen Barger, Associate Professor of Legal Writing, William H. Bowen School of Law, University of Arkansas at Little Rock. Professor Barger has written on trends in vendor neutral citation and problems associated with citation to incorrect or disappearing internet sources. She serves as Developments Editor for The Journal of Appellate Practice and Process.  |
| 2:30—3:30 p.m.       | <i>The Doctrines of Finality and Error Preservation in Appeals to the United States Courts of Appeals and Supreme Court:</i> Brent E. Newton, Assistant Federal Defender, Southern District of Texas. Mr. Newton graduated with honors from Columbia Law School and clerked for the Hon. Carolyn D. King, United States Court of Appeals for the Fifth Circuit before going to work as Staff Counsel for the Texas Resource Center, representing Texas Death Row inmates. He lectures at the University of Houston Bates College of Law, where he has taught Federal Courts, Criminal Procedure, and Remedies. His innovative law school text, <i>Criminal Litigation and Legal Issues in Criminal Procedure</i> , has recently been published by NITA. Mr. Newton is a Contributing Editor to The Journal of Appellate Practice and Process. |
| 3:30—3:45 p.m.       | Break   |

- 3:45—5:00 p.m. *Perspectives on Eighth Circuit Practice:* Three Eighth Circuit Judges, the Hon. Roger Wollman, Hon. David Hansen and Hon. Pasco Bowman, and moderator David F. Herr, President-Elect of the American Academy of Appellate Lawyers, will explore the state of appellate practice and decision-making in the Circuit. We expect this panel to provide practical insights into what works—and what doesn't.
- 5:30—7:00 p.m. Reception for Court staff and conference attendees at the Marriott (cash bar)
- Tuesday morning session, September 14<sup>th</sup>*
- 7:45—8:30 a.m. Continental breakfast
- 8:30—9:30 a.m. *To Dream The Impossible Dream: Seeking Supreme Court Review:* Andrew L. Frey, partner, Mayer, Brown, Rowe & Maw; formerly, Deputy Solicitor General, Office of the United States Solicitor General. Mr. Frey has argued over 60 cases in the United States Supreme Court, including *BMW v. Gore*, and is a leading expert on punitive damages defense. He represented the White House in its dispute with the Whitewater Independent Counsel over attorney-client privilege issues, has been honored with Presidential and Department of Justice awards, and is a member of the American Law Institute and American Academy of Appellate Lawyers. He graduated first in his class at Columbia Law School and clerked for the Hon. George T. Washington of the United States Court of Appeals for the District of Columbia Circuit.
- 9:30—10:30 a.m. *Eighth Circuit Appellate Practice: the Clerk's Perspective:* Hon. Michael Gans, Clerk of the Court, United States Court of Appeals for the Eighth Circuit. Mr. Gans has appeared at each Institute program to advise new and experienced appellate attorneys about practice in the Circuit, including an annual update on changes in court procedure of which counsel should, but may not be, aware. He earned his J.D. from Washington University School of Law.
- 10:45—11:45 a.m. *Ethical Challenges for Appellate Lawyers:* J. Thomas Sullivan, Professor of Law, UALR School of Law. Professor Sullivan is the founder and senior editor of *The Journal of Appellate Practice and Process*, published by the William H. Bowen School of Law. He teaches Criminal Law, Criminal Procedure, Law and Psychiatry, and a seminar discussing the portrayal of criminal lawyers in film.

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#### Information on Accommodations

The Marriott has held a block of rooms for conference attendees at the rate of \$109.00 per night. You must make your room reservation through the Marriott's reservations desk or system before August 23, 2004, in order to ensure this rate. Attendees flying to St. Louis may take the Metrolink train to the Busch Stadium stop, which is across the street from the Marriott, for a very reasonable charge. The Marriott also offers a reduced rate for valet parking for conference attendees.

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The proceeds from this conference will be used to underwrite publication costs for  
The Journal of Appellate Practice and Process

## EIGHTH CIRCUIT APPELLATE PRACTICE INSTITUTE REGISTRATION FORM

Please use this form to register for the conference. Mail the form or a copy and your personal or firm's check to: Professor Tom Sullivan, UALR School of Law, 1201 McMath, Little Rock, Arkansas 72202. If you need additional information, please e-mail Professor Sullivan at [jsullivan@ualr.edu](mailto:jsullivan@ualr.edu) or call 501-324-9940 and leave a message.

Please provide the following information for registration purposes

[Name of conference attendee]	[Firm or agency name]
[Street address or P.O. Box Number]	[City] [State] [Zip]
[Telephone No.] [FAX No.]	[E-mail address]

Please make your check for the conference payable to The Journal of Appellate Practice and Process or JAPP. To join the Eighth Circuit Bar Association download an application from the Association website: <http://www.law.ualr.edu/eighthcircuitbar>.

- [ ] Please register me for the conference. My check in the amount of \$185.00 is enclosed.
- [ ] I am a member of the Eighth Circuit Bar Association. My check in the amount of \$160.00 is enclosed. [This discount is available to all members who have paid their dues for the 2004-05 fiscal year.]
- [ ] I want to subscribe to The Journal of Appellate Practice and Process. My check in the amount of \$25.00 for a one year subscription is also enclosed. [Reminder: members of the ABA Council of Appellate Lawyers and the American Academy of Appellate Lawyers already receive The Journal as a membership benefit.]

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### CANCELLATION AND REFUND POLICY

Conference fees will be fully refunded upon notice to Professor Sullivan of the attendee's inability to attend the conference before September 7, 2004. In lieu of cancellation, another attorney may attend the conference in place of the registrant. Conference attendees unable to give timely notice of inability to attend the conference will be provided with copies of the written materials prepared for the program.